

2023 Regular Session

HOUSE BILL NO. 292

BY REPRESENTATIVE ST. BLANC

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

UTILITIES: Provides relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law

1 AN ACT

2 To amend and reenact R.S. 40:1749.13(A), (B)(1) and (4), and 1749.16(4), relative to the  
3 Louisiana Underground Utilities and Facilities Damage Prevention Law; to provide  
4 for excavation or demolition notices; to provide for the use of pot holes; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1749.13(A), (B)(1) and (4), and 1749.16(4) are hereby amended  
8 and reenacted to read as follows:

9 §1749.13. Excavation and demolition; prohibitions

10 A. Except as provided in this Section, no person shall excavate or demolish  
11 in any street, highway, public place, or servitude of any operator, or near the location  
12 of an underground facility or utility, or on the premises of a customer served by an  
13 underground facility or utility without having first ascertained, in the manner  
14 prescribed in Subsection B of this Section, the specific location as provided in R.S.  
15 40:1749.14(D) of all underground facilities or utilities in the area which would be  
16 affected by the proposed excavation or demolition. The marking of an operator's  
17 facility or utility shall be provided for excavation or demolition purposes only.

18 B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or  
19 demolition, each excavator or demolisher shall serve telephonic or electronic notice  
20 of the intent to excavate or demolish to the regional notification center or centers

1 serving the area in which the proposed excavation or demolition is to take place.  
 2 Such notice shall be given to the notification center at least forty-eight hours, but not  
 3 more than one hundred twenty hours, excluding weekends and holidays, in advance  
 4 of the commencement of any excavation or demolition activity. Furthermore,  
 5 excavation or demolition activities shall commence not more than one hundred  
 6 twenty hours past the mark-by-time. Holidays shall consist of the following: New  
 7 Year's Day; Martin Luther King, Jr. Day; Good Friday; Memorial Day;  
 8 Independence Day; Labor Day; Thanksgiving Day; Christmas Eve; and Christmas  
 9 Day.

\* \* \*

11 ~~(4) Notice shall be given and shall include a specific location request for~~  
 12 ~~excavation or demolition work to be performed at least forty-eight hours, but not~~  
 13 ~~more than one hundred twenty hours, excluding weekends and holidays, in advance~~  
 14 ~~of actual work commencement. Holidays shall consist of the following: New Year's~~  
 15 ~~Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving~~  
 16 ~~Day; Christmas Eve; and Christmas Day, or the days on which those holidays are~~  
 17 ~~observed by the state. The marking of an operator's facility or utility shall be~~  
 18 ~~provided for excavation or demolition purposes only. The excavator or demolisher~~  
 19 ~~shall provide the specific location for excavation or demolition with either telephonic~~  
 20 ~~or electronic notice. Telephonic notice shall require the excavator or demolisher to~~  
 21 ~~or physically mark the proposed route or area of excavation or demolition using~~  
 22 white paint, flags, stakes, or similar means under American Public Works  
 23 Association guidelines prior to submitting notice.

\* \* \*

25 §1749.16. Precautions to avoid damage

26 In addition to the notification requirements in R.S. 40:1749.13 and 1749.14  
 27 and the emergency notification requirements in R.S. 40:1749.15, each person  
 28 responsible for an excavation or demolition operation shall do the following:

\* \* \*

1           (4) ~~Dig test pits to determine the actual location of facilities or utilities~~  
2           ~~handling electricity, gas, natural gas, oil, petroleum products, or other flammable,~~  
3           ~~toxic, or corrosive fluids/gases if these facilities or utilities are to be exposed. Pot~~  
4           ~~holes to determine the actual location of such facilities or utilities if an excavation~~  
5           ~~or demolition operation could result in damage to underground utilities or facilities~~  
6           ~~handling electricity, gas, natural gas, oil, petroleum products, or other flammable,~~  
7           ~~toxic, or corrosive fluids or gases. For forestry excavation operations that could~~  
8           ~~result in damage to underground utilities or facilities handling electricity, gas, natural~~  
9           ~~gas, oil, petroleum products, or other flammable, toxic, or corrosive fluids or gases,~~  
10          ~~the forestry excavator and the utility or facility owner or operator shall cooperate to~~  
11          ~~determine the actual location of such facilities or utilities.~~

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 292 Engrossed

2023 Regular Session

St. Blanc

**Abstract:** Provides for notices and potting of holes before excavation or demolition that may impact underground utilities.

Present law requires that individuals evaluate utilities that may be damaged during excavation and demolition.

Proposed law requires that marking of an operator's facility or utility be provided for excavation or demolition purposes.

Present law requires that notice be given for demolition and excavation work to be performed at least 48 hours, but not more than 120 hours, with exemptions for weekends and certain holidays. Proposed law repeals present law.

Present law requires an excavator or demolisher to provide the specific location for excavation or demolition with notice or physically mark the area using white paint, flags, or stakes prior to notice.

Proposed law requires that the excavator or demolisher shall provide the specific location for excavation or demolition with either telephonic or electronic notice. Telephonic notice shall require the excavator or demolisher to physically mark the proposed route or area of excavation or demolition.

Proposed law states that excavation or demolition activities shall commence not more than 120 hours past the mark-by-time.

Present law requires that test pits are required if facilities or utilities are to be exposed during an excavation or demolition operation.

Proposed law requires that potting of holes are required if an excavation or demolition operation could reasonably result in damage to underground utilities or facilities.

(Amends R.S. 40:1749.13(A) and (B)(1) and (4) and 1749.16(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Add that excavation or demolition activities shall commence not more than 120 hours past the mark-by-time.
2. Add that precautions, such as potting of holes, must be taken to determine the actual location of facilities or utilities that can be damaged. Add that for forestry excavation operations that could result in damage to utilities, a forestry excavator and utility or facility owner shall cooperate to determine the location of such utilities.
3. Make technical changes.